

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

07-cr-55(JGK)

- against -

ROBERT RIGGIO,

MEMORANDUM OPINION AND
ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The defendant has applied to the Court for an early termination of supervised release. The defendant has spent approximately fourteen months on supervised release and supervised release is currently scheduled to end on March 15, 2018.

The defendant argues that he has debilitating health issues that argue in favor of termination. He also argues that his domestic situation argues in favor of a move to Florida and that he will shortly be without housing in New York.

The Court has the discretion to provide for an early termination of supervised release. See, e.g., United States v. Lussier, 104 F.3d 32, 35-36 (2d Cir. 1997); United States v. Simmons, No. 05-cr-1049 (JGK), 2010 WL 4922192, at *4 (S.D.N.Y. Dec. 1, 2010). However, the defendant has failed to show that there are any special circumstances that support early termination in his case. The defendant has already been placed on the Probation Department's Low Intensity Caseload that requires minimum reporting. If the defendant believes that

relocation to Florida would be beneficial for him, he can apply to have his district of supervision changed to Florida. Moreover, if the defendant has housing problems, he can work with his probation officer to attempt to find alternative housing.

The defendant's application for an early termination of supervised release is denied without prejudice to renewal at a later time.

SO ORDERED.

**Dated: New York, New York
June 16, 2016**

_____/s/_____
**John G. Koeltl
United States District Judge**